

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LIGTEL COMMUNICATIONS, INC.,

Plaintiff,

v.

Case No. 1:20-cv-00037-HAB-SLC

BAICELLS TECHNOLOGIES INC.;
BAICELLS TECHNOLOGIES NORTH
AMERICA, INC.,

Defendants.

DECLARATION OF BO WEI

I, Bo Wei, declare the following:

1. I am a Permanent Resident of the United States of America, domiciled in the State of Texas.
2. I hold M.S. and Ph.D. degrees in Electrical Engineering from Southern Methodist University, Bachelor in Electrical Engineering from Hebei University of Engineering in China.
3. I was employed as the President and Chief Executive Officer of Baicells Technologies North America Inc. (“Baicells”) from May 2018 to December 2019.
4. I have read the Complaint, Declaration of Randy Mead dated January 20, 2020, and Declaration of Josh Wentworth dated January 20, 2020.
5. On July 29, 2019, I attended and participated in a meeting at LigTel’s office in Ligonier, Indiana.
6. Rick Harnish, Chief Marketing Officer, and Ronald Mao, Director of Carrier Solutions, and I attended this meeting on behalf of Baicells.

7. Randy Mead, Chief Executive Officer and General Manager, Josh Wentworth, Network Operations Supervisor, and Mike Troup, Network Operations Manager and Marketing, attended the meeting on behalf of LigTel.

8. Without prior notice to Baicells, LigTel's outside counsel also participated in the meeting. I was surprised that LigTel's outside counsel were present for this meeting.

9. During this meeting, LigTel's lawyers did most of the talking.

10. LigTel claimed that Baicells' use of the PLMN code 31198 interfered with LigTel's use of an HNI code of 311-980.

11. I responded that, in fact, there is no interference because the PLMN code used by Baicells, 31198, is not the same as LigTel's HNI Code of 311-980.

12. Regardless, LigTel presented Baicells with two options during the meeting: Baicells could change the PLMN code that it uses, or Baicells could buy LigTel's HNI Code.

13. I asked for more information about the second option.

14. After conferring amongst themselves privately, the LigTel representatives returned to the meeting and demanded that Baicells pay LigTel \$1 million to transfer LigTel's HNI Code to Baicells.

15. I expressed my dismay at the demand.

16. I then left the meeting with Mead to have a brief private conversation. Mead and I were the only ones present during this private conversation.

17. I told Mead that LigTel's \$1 million demand was ridiculous. I told Mead that LigTel did not need that much money to convert its network to a new HNI code. I told Mead that 10% of that amount might be acceptable. I told Mead that, if LigTel and Baicells agreed to a transfer of LigTel's HNI Code, then the parties could agree to allow LigTel secondary use of the

code. I also offered, as a gesture of good will, a discount on Baicells equipment if LigTel had any interest.

18. Mead's statement, that "Wei then offered to have Mao 'get into' our Huawei-manufactured core and reprogram it himself, so Mao could do it for free and we would not have to pay Huawei to do so," (Mead 1/20/2020 Declaration, ¶13) is patently false. I have never said or intimated any such thing, to Mead or to anyone else.

19. Mead and I then rejoined the meeting. I stated Baicells' intention to follow up with LigTel after Baicells had an opportunity to confer with Baicells' counsel.

20. The Complaint, Mead's Declaration, and Wentworth's declaration contain other inaccurate accounts of my private conversation with Mead and of the meeting at LigTel.

21. After the meeting at LigTel, Baicells determined to migrate away from the PLMN code of 31198 to an HNI Code of 314-030.

22. Baicells had started the application process with iConectiv to obtain the HNI Code of 314-030 before the July 29, 2019 meeting with LigTel.

23. On September 12, 2019, I submitted the Baicells PLMN Migration Plan to IOC to be shared at the upcoming IOC meeting on September 20, 2019. I also informed IOC that Baicells intended to begin the transition to the HNI Code 314-030 in November 2019 and complete all migrations within six to nine months of that date. (*See Exhibit 1* hereto (BAICELLS_000032549-55).)

24. On September 20, 2019, I participated in a telephonic meeting of the IOC, at which the Baicells PLMN Migration Plan, and comments submitted by LigTel on the plan, were discussed. (*See Exhibit 2* hereto (BAICELLS-000008424-25).) During the meeting, the Baicells

PLMN Migration Plan was reviewed and agreed upon by the IOC, subject to any feedback submitted by September 27, 2019. (*See* Exhibit 3 hereto (BAICELLS-000008008).)

25. LigTel subsequently submitted comments to the IOC regarding the Baicells PLMN Migration Plan, and Baicells responded to those comments.

26. I participated in a follow-up telephonic meeting of the IOC on November 6, 2019, together with Andy Yang, Director of Engineering and Support, and outside counsel, Steve Coran. I understand that LigTel was represented by outside counsel during this meeting.

27. During this meeting, the IOC and meeting participants reviewed an ATIS summary of Baicells' PLMN migration plan. Baicells agreed to provide periodic progress reports on its migration progress to the IOC. The IOC proposed no additional changes to the Baicells migration plan.

28. Prior to my employment with Baicells, I have worked for: DoCoMo Labs USA (May 2004 – August 2004); Nokia Research Center (August 2004 – December 2005); Huawei Technologies (February 2006 – February 2010); Nokia Siemens Network (2010 – July 2010); AT&T (July 2010 – February 2016); Verizon (February 2016 – January 2017); and Huawei Technologies (January 2017 – May 2018).

29. During my prior employment with Huawei and my other prior employers, I never had any knowledge of, or involvement with, LigTel in any capacity.

30. I do not have, and have never had, possession of or access to any documents or information that LigTel alleges to be its confidential or trade secret information including, but not limited to: LigTel's encryption code; network architecture, design, and engineering; or the operational layout of LigTel's equipment, core, and servers.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04/01/2020 (date) in the State of Texas, United States of
America.



Bo Wei

EXHIBIT 1

Message

From: Bo Wei [bo.wei@na.baicells.com]
Sent: 9/12/2019 7:01:10 PM
To: Tom Goode [tgoode@atis.org]; McNamer, Natalie [nmcnamer@iconectiv.com]; Steve Barclay [sbarclay@atis.org]
CC: Coran, Steve [SCoran@lrmansenter.com]; Andy Yang [andy.yang@na.baicells.com]; Rick Harnish [rick.harnish@na.baicells.com]; Boun Senekham [boun@na.baicells.com]; jesse@baicells.com; Ronald Mao [ronald.mao@na.baicells.com]; Minchul Ho [minchul.ho@na.baicells.com]
Subject: RE: Baicells' plan on PLMN Migration
Attachments: Baicells PLMN Migration Plan Public.pptx

Tom and All,

Please see our response as follows. Also, attached please find the public version of the slide deck.

- (1) The presentation indicates that commercial networks step-by-step migration is expected to take 6 to 9 months and would begin in November of 2019. Can you confirm this? Also, can you provide a date by which all migrations will be completed and Bai Cells will no longer be using the HNI code 311-980? I think it's important that we get a firm deadline.

Resp: Yes, we confirm that we intend to begin the transition in November 2019. We expect that all migrations can be completed in 6-9 months, but that will depend how our customers upgrade their network elements and what, if any, unforeseen problems may arise.

- (2) It would be helpful to understand when we can expect to get updates from Bai Cells on progress. At a minimum, I think we would want to receive quarterly updates. We are not expecting anything formal, just something in writing that would allow us to respond to any inquiries.

Resp: Yes, we will provide written quarterly updates beginning November 1 until the transition is complete.

- (3) We would like to discuss this matter at an upcoming IMSI Oversight Council (IOC) meeting. I noticed that the presentation is marked "confidential." Can you provide a version of this presentation or other document that we can share with the IOC? As a reminder, the IOC is the consensus-based forum within ATIS that helps to provide input on operational and strategic issues related to the use of HNIs in North America.

Resp: A public version of the presentation is attached and can be shared at the IOC meeting.

Bo Wei, PhD
President & CEO
Baicells Technologies North America
469-230-4120(M)
bo.wei@baicells.com

From: Tom Goode <tgoode@atis.org>
Sent: Tuesday, September 10, 2019 2:57 PM
To: Bo Wei <bo.wei@na.baicells.com>; McNamer, Natalie <nmcnamer@iconectiv.com>; Steve Barclay <sbarclay@atis.org>
Cc: Coran, Steve <SCoran@lrmansenter.com>; Andy Yang <andy.yang@na.baicells.com>; Rick Harnish <rick.harnish@na.baicells.com>; Boun Senekham <boun@na.baicells.com>; jesse@baicells.com; Ronald Mao <ronald.mao@na.baicells.com>; Minchul Ho <minchul.ho@na.baicells.com>
Subject: RE: Baicells' plan on PLMN Migration

Dear Dr. Wei:

Thank you for sending the PLMN Migration Plan.

I did have a few questions.

- (1) The presentation indicates that commercial networks step-by-step migration is expected to take 6 to 9 months and would begin in November of 2019. Can you confirm this? Also, can you provide a date by which all migrations will be completed and Bai Cells will no longer be using the HNI code 311-980? I think it's important that we get a firm deadline.
- (2) It would be helpful to understand when we can expect to get updates from Bai Cells on progress. At a minimum, I think we would want to receive quarterly updates. We are not expecting anything formal, just something in writing that would allow us to respond to any inquiries.
- (3) We would like to discuss this matter at an upcoming IMSI Oversight Council (IOC) meeting. I noticed that the presentation is marked "confidential." Can you provide a version of this presentation or other document that we can share with the IOC? As a reminder, the IOC is the consensus-based forum within ATIS that helps to provide input on operational and strategic issues related to the use of HNIs in North America.

The next IOC meeting has been scheduled for Friday, September 20 at 1:00-3:00pm EDT. As an HNI code holder, you would be welcome to attend this meeting. If you would like additional information on the meeting, please contact Drew Greco, at dgreco@atis.org.

If you have any questions, please let me know.

Tom

From: Bo Wei <bo.wei@na.baicells.com>

Sent: Thursday, August 29, 2019 6:41 PM

To: McNamer, Natalie <nmcnamer@iconectiv.com>; Tom Goode <tgoode@atis.org>; Steve Barclay <sbarclay@atis.org>

Cc: Coran, Steve <SCoran@lermansenter.com>; Andy Yang <andy.yang@na.baicells.com>; Rick Harnish <rick.harnish@na.baicells.com>; Boun Senekham <boun@na.baicells.com>; jesse@baicells.com; Ronald Mao <ronald.mao@na.baicells.com>; Minchul Ho <minchul.ho@na.baicells.com>

Subject: Baicells' plan on PLMN Migration

Natalie/Tom/Steve,

Attached please find the PLMN Migration Plan as you requested and we promised to provide during last meeting. Please let us know if you have any questions and suggestions.

Best Wishes,

Bo Wei, PhD
President & CEO
Baicells Technologies North America
469-230-4120(M)
bo.wei@baicells.com

-----Original Appointment-----

From: Bo Wei

Sent: Wednesday, August 21, 2019 4:18 PM

To: Coran, Steve; Andy Yang; McNamer, Natalie; tgoode@atis.org; sbarclay@atis.org; Rick Harnish; Boun Senekham; jesse@baicells.com; Ronald Mao; Minchul Ho

Subject: Bo Wei's RingCentral Meeting

When: Thursday, August 22, 2019 9:00 AM-10:00 AM (UTC-06:00) Central Time (US & Canada).

Where: New HNI Transition Discussion with Baicells

Hi there,

Bo Wei is inviting you to a scheduled RingCentral meeting.

Join from PC, Mac, Linux, iOS or Android: <https://meetings.ringcentral.com/j/1483951111>

Or iPhone one-tap :

US: +1(773)2319226,,1483951111#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1(773)2319226

Meeting ID: 148 395 1111

International numbers available: <https://meetings.ringcentral.com/teleconference>

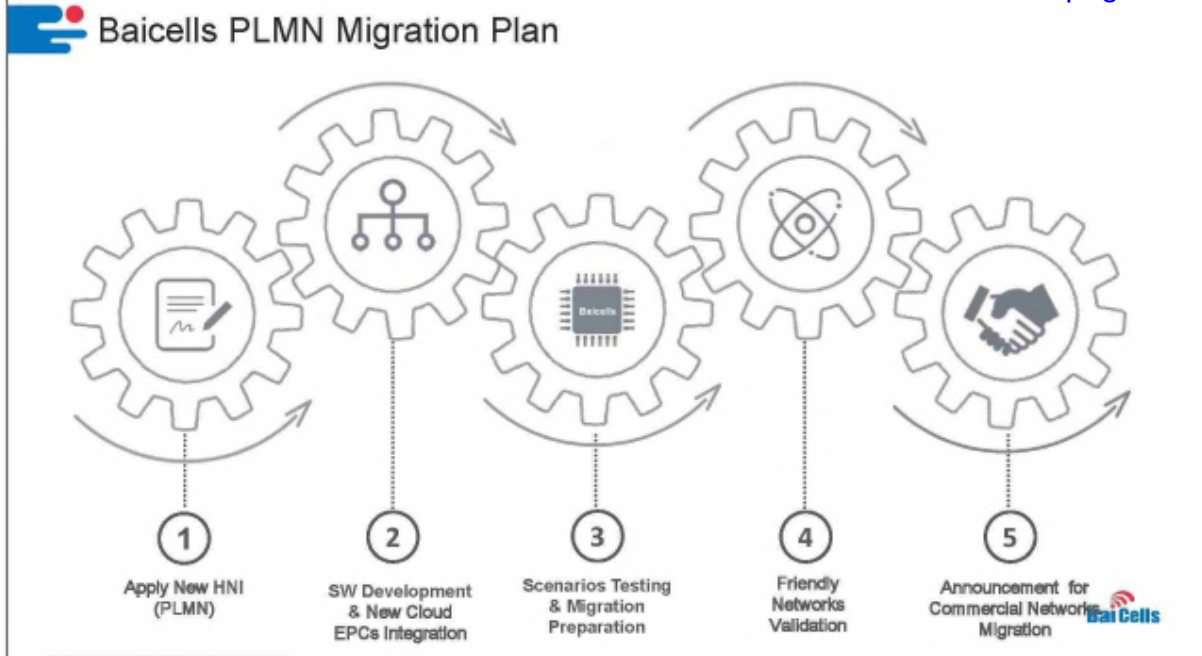




Background

- PLMN “311-98” historically used in Baicells Cloud EPC appears to be un-registered in ITU
- To help overcome confusion, Baicells applied for and has received a new HNI/PLMN (314-030)
- Multiple scenarios need to be tested prior the new PLMN migration
- Commercial networks step-by-step migration is expected to take 6~9 months to ensure network safety





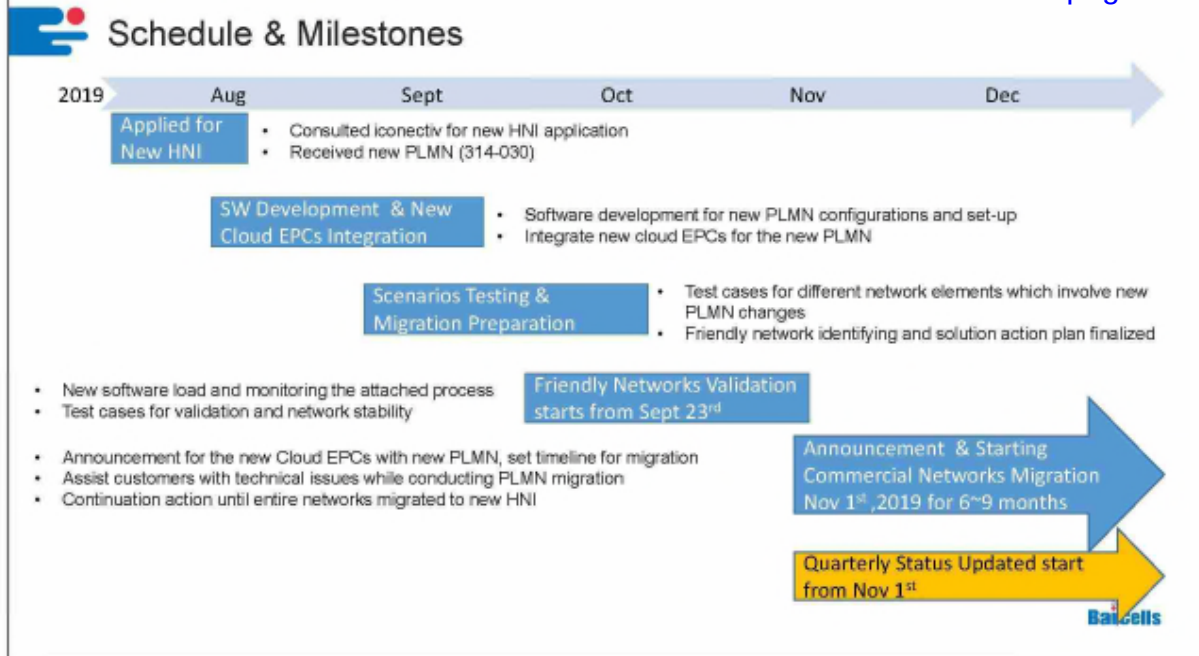


EXHIBIT 2

IOC Meeting Agenda

September 20, 2019, 1:00pm-3:00pm ET

Chair: Natalie McNamer, iconectiv, nmcnamer@iconectiv.com

IMSI Administrator: imsiadmin@iconectiv.com

- 1. Welcome & Call to Order**
- 2. Introductions**
- 3. Review & Approval of Agenda**
- 4. ATIS Intellectual Property Rights (IPR) & Antitrust Policies**
- 5. Use of MCCMNC Outside the U.S.**
 - 5.1. IOC-2019-00001R000, AT&T Notification Letter on Use of MCCMNC Outside the U.S.**
- 6. PLMN Migration Plan**
 - 6.1. IOC-2019-00004R000, PLMN Migration Plan**
 - 6.2. IOC-2019-00005R000, Correspondence from Ligtel**
- 7. Proposed Updates to IMSI Guidelines**
- 8. Any Other Business**
 - 8.1. IMSI Reclamation**
 - 8.2. IMSI Exhaust Update (IOC-2019-00003R000)**
- 9. Future Meetings**
 - 9.1. TBD**
- 10. Adjournment**



ATIS Procedure Notice: *ATIS Forum and Committee activities must adhere to the ATIS Operating Procedures (including basic principles such as fairness, due process, respect for minority opinions, and common sense).*

IPR Notice: *In connection with the development of an American National Standard, or other deliverable that requires use of patented inventions, the use of patented inventions shall be governed by the ANSI Patent Policy as adopted by ATIS and as set forth in Section 10 of the "Operating Procedures for ATIS Forums and Committees." Under this policy:*

- *Disclosure of relevant patented inventions at the earliest possible time in the development process is encouraged. An opportunity will be provided for the members to identify or disclose patents that any member believes may be essential for the use of a standard under development.*
- *Neither the Committee, nor its leaders, can ensure the accuracy or completeness of any disclosure, investigate the validity or existence of a patent, or determine whether a patent is essential to the use of an ATIS deliverable.*
- *ATIS prohibits any discussion of licensing terms in its Forums and Committees.*

Antitrust Risk Notice: *The leaders further remind attendees that participation in industry fora involves the potential for antitrust concerns or risks. To avoid such concerns and risks, participants should carefully observe the "Operating Procedures for ATIS Forums and Committees". In addition, sensitive discussion topics such as price, territories, specific contractual terms, etc., should be avoided.*

Questions: *Participants having questions, comments, or concerns regarding any of these topics should consult with their company's legal counsel, the Committee leadership, ATIS staff, or ATIS legal counsel.*



EXHIBIT 3

Message

From: Drew Greco [dgreco@atis.org]
Sent: 9/20/2019 5:50:44 PM
To: ioc@access.atis.org
Subject: IOC Action Items

IOC Participants:

During the September 20, 2019, IOC virtual meeting, action items were assigned to all participants to review the following documentation:

- Proposed revisions to the IMSI Guidelines ([IOC-2019-00006R001](#))
- Proposed revisions to the IBN Guidelines ([IOC-2019-00007R001](#))

During the meeting, the IMSI Guidelines were reviewed and agreed; however, there was insufficient time to review the IBN Guidelines. Please reply all with any questions or feedback on the guideline revisions by **October 11, 2019**. If no feedback is received, the proposed revisions to the IMSI Guidelines as outlined in IOC-2019-00006R001 and IBN Guidelines as outlined in IOC-2019-00007R001 will be accepted.

In addition, participants were asked to review the following PLMN migration plan as presented during the meeting:

- Baicells PLMN Migration Plan ([IOC-2019-00004R000](#))

During the meeting, the migration plan was reviewed and agreed. Please reply all with any questions or feedback on the migration plan by **September 27, 2019**. If no feedback is received, the PLMN Migration Plan from Baicells as outlined in IOC-2019-00004R000 will be agreed.

Please let me know if you have any questions.

Thanks,



Drew Greco

ATIS Coordinator – Global Standards Development
516-796-6087